

REMARKS

In response to the objection to claim 10, the extra period has been deleted.

Claims 8, 9 and 11 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Reconsideration of this ground of rejection is requested.

Claim 8 has been amended to delete the reference to a D/d ration. Claim 9 has been amended so that it is dependent on claim 2. These amendments remove the bases of this ground of rejection as applied to claims 8, 9 and 11 and for this reason, it is requested that this ground of rejection be withdrawn.

Claims 1-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lieberman in view of Geller.

Reconsideration of this ground of rejection is requested.

The applicant agrees that Lieberman discloses the concept of scoring a pharmaceutical tablet which was acknowledged in the specification in paragraph [0002]. Claim 1 points out a scored tablet having two segments, one of which has no active ingredient or a tablet where the score extends at least 70% of the distance to the second segment. This concept is not disclosed or suggested by Lieberman.

Geller, which was cited to show a pharmaceutical tablet having a score that is "1/3 to 2/3" the depth of the tablet for the purpose of facilitating "separation into subdivisions containing substantially equal amounts of pharmaceutically active ingredients". Nothing in Geller discloses a concept of proving "equal" amounts of pharmaceutically active ingredients when a scored tablet is broken along the score as pointed out in amended claims 8 as well as claims 9 and 11 which are dependent on claim 8.

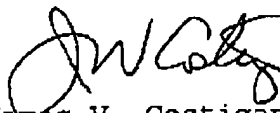
As noted above, Claim 1 and the claims that are dependent on claim 1 point out a structure where there are two segments, one of which is inactive or there is a minimum distance into the active layer for the score of at least 70% of the distance from the surface to the interface between the two segments. There is no reason to modify Lieberman with the Geller score technique because Geller is concerned with making a single layer tablet with one active ingredient and does not suggest a two layered tablet where the score is a minimum of 70% of the distance from the top of the tablet to the second segment. Also, neither Lieberman nor Geller, alone or in combination suggest the concept of claim 8 which would cause all or most of the breakage to occur in an inert layer which greatly increases the accuracy of the tablet dividing step as compared to the accuracy of dividing a tablet that may be achieved by merely using a deep score through a homogeneous, non-layered tablet.

The different considerations that arise from the breaking of a layered tablet versus the breaking of an unlayered tablet point to the unobviousness of the claimed

invention as compared to the different concepts set forth in Lieberman and Geller. Each of the cited references describe tablet structures that are made differently for different purposes. The concept of the present invention is not found in either of the cited references. For these reasons, it is requested that this ground of rejection be withdrawn.

An early and favorable action is earnestly solicited.

Respectfully submitted,



James V. Costigan
Registration No. 25,669

Hedman & Costigan, P.C.
1185 Avenue of the Americas
New York, NY 10036
(212) 302-8989